

1 Timothy F. Winchester, Esq. (State Bar No. 54826)
2 Neil H. Bui, Esq. (State Bar No. 215108)
3 McINERNEY & DILLON, P.C.
4 1999 Harrison Street, Suite 1700
5 Oakland, California 94612-4700
6 Telephone: (510) 465-7100
7 Facsimile: (510) 465-8556

8 Attorneys for Defendants and Counterclaimant
9 Yerba Buena Engineering & Construction, Inc., and
10 Travelers Casualty and Surety Company of America

7 UNITED STATES DISTRICT COURT
8 NORTHERN DISTRICT OF CALIFORNIA

9 UNITED STATES OF AMERICA, for the use) Case No. CV 07 5912 WDB

10 of AAA RESTAURANT FIRE CONTROL,)
11 INC., doing business as AAA FIRE)
12 PROTECTION SERVICES; and AAA)
13 RESTAURANT FIRE CONTROL, INC.,) **JOINT CASE MANAGEMENT**
14 Plaintiff,) **CONFERENCE STATEMENT**

15 vs.)
16 YERBA BUENA ENGINEERING &)
17 CONSTRUCTION, INC., a California)
18 corporation; TRAVELERS CASUALTY AND) **CMC Hearing Date:** August 5, 2008
19 SURETY COMPANY OF AMERICA, a)
20 Connecticut corporation; and DOES 1 TO 100,)
inclusive,)
21 Defendants.)
22 _____

18 YERBA BUENA ENGINEERING &)
19 CONSTRUCTION, INC., a California)
20 corporation; and TRAVELERS CASUALTY)
AND SURETY COMPANY OF AMERICA,)
21 Counterclaimants,)
22 vs.)
23 UNITED STATES OF AMERICA, for the use)
24 of AAA RESTAURANT FIRE CONTROL,)
25 INC., doing business as AAA FIRE)
26 PROTECTION SERVICES; and AAA)
27 RESTAURANT FIRE CONTROL, INC.)
28 _____

Time: 4:00 p.m.

Courtroom: 4, Oakland

Hon. Wayne D. Brazil, Presiding

21
22
23
24
25
26
27
28

Counterdefendant.

1 Defendants and counterclaimants Yerba Buena Engineering & Construction, Inc.
2 ("Yerba Buena") and Travelers Casualty and Surety Company of America ("Travelers"), and
3 plaintiff and counterdefendant AAA Restaurant Fire Control, Inc. submit this Joint Case
4 Management Conference Statement pursuant to Local Rule 16-9.

5 **Private Mediation**

6 During the last case management conference, the parties advised the Court that they had
7 agreed upon private mediation which would take place during the second week of July. The
8 parties have since, exchanged documents and conferred on a time schedule to conduct limited
9 discovery in preparation of mediation. To facilitate settlement, the parties have agreed that a
10 brief continuance of the mediation hearing would benefit the process by allowing the parties
11 adequate time to prepare for the mediation and participate in good faith. As such, the
12 mediation before Michael Timpaine has been reset to September 10, 2008.
13

14 **Request for Continuation of 8.5.08 Case Management Conference**

15 The mediation hearing date is September 10, 2008. The parties jointly request that the
16 Court continue the Case Management Conference currently set for August 5, 2008, for a period
17 of at least 60 days to allow the mediation to be completed and the parties to report the status of
18 the matter to the Court.
19

20
21 DATED: July 31, 2008

McINERNEY & DILLON, P.C.

22
23 By _____ /S/
24 Neil H. Bui

25 Attorneys for Defendants and Counterclaimant
26 Yerba Buena Engineering & Construction, Inc.,
27 and Travelers Casualty and Surety Company of
America

DATED: August 4, 2008

By _____ /S/ _____
Lawrence E. Smith
Attorneys for Plaintiff United States of America
for use of AAA Restaurant Fire Protection
Services, Inc.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27